

*Legal Division
(Memo 2 Jan)*

OGC Has Reviewed

12 February 1948

MEMORANDUM FOR THE DIRECTOR

**SUBJECT: Request for C.I.A. Personnel Figures
by the Byrd Committee**

1. Attached herewith is the membership of the Joint Committee on Reduction of Nonessential Federal Expenditures (Byrd Committee).

2. The law which established this Committee in 1941 empowered it to make a full and complete study and investigation of all expenditures of the Federal Government, in order to recommend the elimination or reduction of expenditures which the Committee felt to be nonessential. The Committee is instructed to report to the President and to Congress the results of its study and its recommendations.

The law empowers the Committee to hold hearings and subpoena witnesses, books, papers and documents.

Their primary interest in Federal employment figures is to ascertain where personnel may be cut, thereby reducing nonessential Federal expenditures. There appears to be nothing in the law which makes it mandatory for them to publish Federal personnel figures. The law requires them to make a full and complete study and investigation of all expenditures, and in the course of that study we might furnish the Chairman with certain figures and expenditures, thus permitting them to fulfill their function.

As Senator Byrd states in his letter to you, however, the Committee "has for several years undertaken to compile the accurate statement of CIVILIAN personnel employed by the Federal Government". Therefore, the publishing of these personnel figures appears to be something which the Committee itself has undertaken and not something which is compelled by law.

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3. In connection with Senator Byrd's statement that the Bureau of the Budget is required by law to fix ceilings and publish civilian personnel figures, there appears to be little room for contradiction. The law provides (5 U.S.C.A. 947(b)) that the Director of the Bureau of the Budget shall determine at least quarterly the number of employees required in each Department or Agency of the Government. It is further required that such determinations shall be reported quarterly to the Congress. Each such report shall include a statement showing each agency's net increase or decrease in employees as compared with the preceding report.

Thus it is apparent that the Director of the Bureau of the Budget is required to furnish the Congress with our personnel figures and it is assumed that this report is referred by the President of the Senate and Speaker of the House to the appropriate committees of the Congress of which, under its charter, the Byrd Committee is one. Failure to do this in connection with C.I.A. means that the Director of the Bureau of the Budget (who is also a member of the Byrd Committee) is in default of his legal obligations and could be compelled at any time to produce our figures. The only apparent legal remedy would be a section in proposed C.I.A. legislation exempting the Director of the Bureau of the Budget from furnishing the figures of this Agency to the Congress.

4. The Civil Service Commission is required by law (5 U.S.C.A. 654) to publish yearly an Official Register of the United States which contains a full and complete list of persons occupying administrative and supervisory positions in the Executive branch of the Government who are paid by the United States Treasury. This Register shall show the name, official title, salary, compensation and emoluments, legal residence and the place of employment for each person listed therein. The

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law further requires that the head of an agency such as C.I.A. shall supply the Civil Service Commission with the data required by this Section as of the first of May of each year. Exemption from the provision of this law should be sought by legislation.

5. The Civil Service Commission furnishes Government personnel figures on a monthly basis to the Civil Service Committees of the Congress and the Byrd Committee as a matter of routine.

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Walter L. Pforzheimer
Assistant General Counsel

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